



### REQUEST FOR QUOTATION (RFQ)

The South African Qualifications Authority (SAQA) invites Service Providers to submit Quotations for requirements stipulated below:

<b>DOCUMENT NUMBER:</b>	<b>SAQA: BBBEE 01/2022</b>
<b>RFQ ISSUE DATE:</b>	<b>08 November 2022</b>
<b>RFQ CLOSING DATE AND TIME:</b>	<b>18 November 2022, @ 11H00</b>
<b>RFQ VALIDITY PERIOD</b>	<b>90 DAYS (FROM RFQ CLOSING DATE)</b>
<b>PERIOD</b>	<b>2022 FINANCIAL YEAR TO BE ASSESSED</b>
<b>DESCRIPTION:</b>	<b>To appoint a suitably qualified Service Provider (B-BBEE rating agency) to issue SAQA a B-BBEE Certificate.</b>
<b>RESPONSES TO THIS RFQ SHOULD BE</b>	<b><a href="mailto:RFQ@saqa.co.za">RFQ@saqa.co.za</a></b>
<b>ENQUIRIES</b>	<b>Mr B Tefu</b> <b>E-mail: <a href="mailto:btefu@saqa.co.za">btefu@saqa.co.za</a></b>

## **TERMS OF REFERENCE**

### **A. Introduction**

The South African Qualifications Authority (SAQA) is mandated by statute to oversee the further development and implementation of the National Qualifications Framework, ensuring quality qualifications, which lead to the full development of each learner and the social and economic development of the nation at large.

### **B. Purpose**

The purpose of this Request for Quotation (RFQ) is to appoint a suitably qualified Service Provider (B-BBEE rating agency) to issue SAQA a B-BBEE Certificate.

### **C. Description of services required**

The SAQA B-BBEE certificate is nearing its expiry date of 01 February 2023. SAQA thus requires a SANAS accredited Verification Agent with extensive knowledge of the B-BBEE Amendment Act 46 of 2013, B-BBEE Codes of Good Practice, B-BBEE Regulations and the Preferential Procurement Policy Framework Act, Act Number 5 of 2000 (PPPFA) and any other related government transformation legislation. The Agent will independently verify SAQA's B-BBEE performance and status as per the Department of Trade and Industry's (DTI) revised B-BBEE Codes of Good Practice.

1.1. The following scope of services forms part of the services component and is required in line with the B-BBEE requirements in terms of the certificate:

- 1.1.1. Provide Strategic Advice and guidance on best practice for implementation (written and oral).
- 1.1.2. Be able to thoroughly explain the information to be gathered for the verification and be available to engage on queries.
- 1.1.3. Be able to express an opinion on the status of SAQA's B-BBEE performance and suggest improvements.
- 1.1.4. Produce a comprehensive B-BBEE status report within four weeks of contract award prior to the expiry date of the current B-BBEE certificate.
- 1.1.5. Other elements that are considered for the B-BBEE evaluation.

## D. For the South African Qualifications Authority Annual Integrated Report

1.1 Login to the SAQA website on www.saqa.co.za

### E. Service Levels and Applicable Penalties

Service	Description	Target	Penalty
Full BBBEE Certificate with appropriate scorecard and ratings	Failure to conduct and deliver the project and its outcomes as per agreed timelines.	The agreed timelines.	100% of the invoice

#### Penalty Maximum Limit and Service Disputes:

- SAQA reserves the right to enter into Service Disputes at any point in time with the view of contract cancellation, should the deliverables not be met on time during a Service Dispute, the service provider shall continue to render services per these service levels.

### F. ADMINISTRATIVE COMPLIANCE

Bidders are required to explicitly mark either "COMPLY", "OR "DO NOT COMPLY" on every administrative requirement. Failure to do so will be taken as a "DO NOT COMPLY".

DETAIL OF PROPOSAL DOCUMENTS (SUBMISSION FORMAT CHECKLIST) (BIDDERS MUST INDICATE WITH A TICK IF THEY COMPLY OR DO NOT- COMPLY WITH THE FORMAT)	Comply	Not-Comply
<b>Part 1: Bid document including SBDs and B-BBEE Certificate</b> <ul style="list-style-type: none"> <li>Bidders must complete and submit all required Standard Bid Documents: SBD 4, SBD 6.1.</li> <li>Bidders are required to submit an original or certified copy of a B-BBEE certificate or a Sworn Affidavit as per the B-BBEE Act. The SANAS Logo should be visible on the B-BBEE certificate.</li> </ul>		
<b>Part 2: SARS Tax Compliance Requirement</b> Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to confirm suppliers' tax status. <b>(RECENT CSD REPORT MUST BE ATTACHED)</b>		

**G. MANDATORY REQUIREMENTS**

- Bidders are required to explicitly mark either “COMPLY”, “OR “DO NOT COMPLY” on every mandatory requirement. Failure to do so will be taken as a “DO NOT COMPLY”.
- Bidders may where necessary, refer to additional reference material submitted by document name/number, page number and paragraph. Where a reference in substantiation is made to another page (“off-page”) in the bidder’s submission, such referenced page shall be clearly identified by a unique reference number. During the evaluation, SAQA reserves the right to treat a question for which an “off-page” referenced substantiation page cannot be located based on such a unique reference number as a “DO NOT COMPLY”.
- The functions below are minimum requirements. If any of these functions cannot be catered for then the bidder will be non-compliant and accordingly disqualified:

The bidding company is required to submit a proposal with a price schedule in response to the Terms of Reference in the following format:

<b>DETAIL OF PROPOSAL DOCUMENTS (SUBMISSION FORMAT CHECKLIST)</b> (BIDDERS MUST INDICATE WITH A TICK IF THEY COMPLY OR DO NOT- COMPLY WITH THE FORMAT)	Comply	Not-Comply
<b>Part 3: Proof of Registrations</b> The service provider must be SANAS accredited (Proof of the SANAS accreditation must be submitted with the quotation).		

**H. EVALUATION CRITERIA**

The bid will be evaluated in two (2) stages:

**Stage 1: Screening of mandatory documents and administrative checks.**

**NB:** Bidders must comply with this section as it forms the basis of the evaluation of the bidder’s proposal. For a bidder to qualify to be evaluated for Price and B-BBEE, all the required documentation as listed in the above table must be provided.

**Stage 2: Price and B-BBEE evaluation**

**NB:** In line with PPPFA, Preferential Procurement Regulations 2017, submissions will be evaluated as follows:

1. All required bid documentation is to be submitted.
2. Thereafter Price and B-BBEE shall be evaluated as indicated- Pricing: 80 points and B-BBEE: 20 points thus the Total = 100 points.

## **RFQ Special Conditions**

1. Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to confirm suppliers' tax status.
2. Bidders are required to submit an original or certified copy of the B-BBEE certificate or Sworn Affidavit as per the B-BBEE Act. The SANAS Logo should be visible on the B-BBEE Certificate.
3. Bidders must complete, sign, and submit the attached SBD 4 and SBD 6.1 forms.
4. The proposal and required documents must be submitted using the PDF format only, through email to [rfq@saga.co.za](mailto:rfq@saga.co.za).
5. The RFQ will be evaluated in terms of the 80/20 system prescribed by the Preferential Procurement Policy Framework Act (PPPFA) of 2017.

### **6. PROTECTION OF PERSONAL INFORMATION**

- 6.1 In this clause, the words "personal information", "processing" and "responsible party" have the meanings ascribed to them in the Protection of Personal Information Act, 2013 (Act No.4 of 2013).
- 6.2 SAQA will comply with the Protection of Personal Information Act, 2013 (Act No.4 of 2013, (POPIA) by lawfully processing personal information submitted by bidders in accordance with the conditions of lawful processing as set out in POPIA.
- 6.3 All bidders must comply with their obligations as set out in POPIA for which they are a Responsible Party before sharing any information with SAQA.
- 6.4 SAQA will not be held liable for any non-compliance with the provisions of POPIA or unlawful processing or sharing of information by a bidder

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

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<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the .....80/20..... preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	10
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	10
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in

- terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad- Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

**80/20**

$$P_s = 80 - \frac{P_t - P_{\min}}{P_{\min}}$$

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

**5. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

**(Tick applicable box)**

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE **(Tick applicable box)**

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of  
company/firm:.....

8.2 VAT registration  
number:.....

8.3 Company registration  
number:.....

8.4 TYPE OF COMPANY/ FIRM  
 Partnership/Joint Venture / Consortium  
 One person business/sole propriety  
 Close corporation  
 Company  
 (Pty) Limited [Tick  
 APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES  
 .....  
 .....  
 .....  
 .....

8.6 COMPANY CLASSIFICATION  
 Manufacturer  
 Supplier  
 Professional service provider  
 Other service providers, e.g. transporter, etc.  
 [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in  
business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm,

certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

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